

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY BUCCI,

Defendant.

Case No.: 04-10194-RCL

**MOTION FOR AN ORDER
TO CORRECT TRIAL TRANSCRIPT**

Defendant, Anthony Bucci hereby moves the Court for an **Order** to correct the deficiencies in the current trial transcript, pursuant to Fed.App.P. Rule 10 (e) (1) (2), since it is impossible to discern what actually transpired during the two separate instances of courtroom closure which the court reporter failed to capture “both” times the courtroom was closed. (See Exhibit A, letter to court reporter, *D. Secyue*).¹ Chief Judge Boudin in Complaint 429, in an **Order** entered June 12, 2006, states judge Lindsay explained that he closed the courtroom two (2) times (See Exhibit B at 3,4 ¶¶ 2, 3;).

¹ Fed.App.P. Rule 10(e) states:

(e) Correction or Modification of the Record

- 1) If any differences arise about whether the record truly discloses what occurred in the District Court, the differences must be submitted to and settled by that court and the record conformed accordingly;
- 2) If anything material to either party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded:
 - A) On stipulation of the parties,
 - B) By the District Court before or after the record has been forwarded, or
 - C) By the Court of Appeals
- 3) All other questions as to the form and content of the record must be presented to the Court of Appeals.

The defendant suggests the insertion in the appropriate section of the transcript read:

“Courtroom was closed for the entire day of jury empanelment on March 20, 2006 from 10:40 a.m. until 3:07 p.m. After a complaint about the closure, a very limited amount of family members were re-admitted into the courtroom but other family members, friends, and the public were barred for the entire day because the courtroom was too small.”

And as to the second instance on March 31st, 2006, Raftery’s examination:

“Courtroom was closed to the public”

Dated: 2/6, 2008.

Respectfully Submitted By:

, *pro se*

Reg. No.
FCI-Loretto
P.O. Box 1000
Loretto, PA 15940-1000

CERTIFICATE OF SERVICE

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that on 2/6, 2008, a true and correct copy of the following:

- **MOTION FOR AN ORDER TO CORRECT TRIAL TRANSCRIPT**
- **AFFIRMATION IN SUPPORT OF MOTION FOR AN ORDER GRANTING LEAVE TO CORRECT TRIAL TRANSCRIPT**

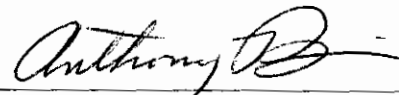
Were served upon:

AUSA S. Theodore Morritt
U.S. Attorney's Office
1 Courthouse Way
Boston, MA 02210

By using first-class U.S. Mail with proper postage affixed and deposited into the official legal mail depository maintained and exclusively controlled for the U.S. Postal Service by federal prison officials of FCI-Loretto, Pennsylvania.

Executed on 2/6, 2008.

Respectfully Submitted by:



ANTHONY BUCCI, *pro se*
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